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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of Access Charge Reform

Reform of Access Charges Imposed by  
Competitive Local Exchange Carriers

CC Docket No. 96-262

COMMENTS OF  
Z-TEL COMMUNICATIONS, INC.

Z-Tel Communications, Inc. ("Z-Tel"), by its attorneys, hereby files its comments in response to the Commission's *FNPRM* in the above-captioned proceeding.<sup>1</sup> In the *FNPRM*, the Commission seeks comment on a variety of issues related to access charges for 8YY traffic, including whether, as AT&T proposes, the Commission should establish a separate, lower access charge benchmark for competitors providing 8YY access service.<sup>2</sup> For the reasons discussed below, Z-Tel submits that the Commission should reject AT&T's 11<sup>th</sup> hour effort to segregate 8YY access traffic from other types of switched access traffic. Instead, in accordance with AT&T's long-held position that "a minute is a minute," the Commission should adopt the same rate and rate structure for switching and transport of 8YY access traffic as the Commission adopted for CLEC originating and terminating switched access charges in the *CLEC Access Charge Order*. Consistent with standard industry practices, Competitive Local Exchange

<sup>1</sup> *Access Charge Reform, Reform of Access Charges Imposed by Competitive Local Exchange Carriers*, CC Docket No. 96-262, Seventh Report and Order and Further Notice of Proposed Rulemaking, (rel. April 27, 2001) ("*CLEC Access Charge Order*" or "*FNPRM*").

<sup>2</sup> *Id.* ¶ 99.

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Carriers ("CLEC") also should be allowed to add an incremental Toll-Free 8YY Data Base

Query Charge to recover incremental costs associated with 8YY Data Base look-ups.

Z-Tel is a CLEC currently providing local exchange and exchange access services in association with residential lines in 34 (thirty-four) states. Where Z-Tel provides service to consumers, it provides local dial-tone, basic vertical services (*e.g.*, custom calling services, caller ID), enhanced services (*e.g.*, voice-mail, follow-me applications) and long distance services through a bundled service offering. Within this package, Z-Tel provides access to 8YY services in the same manner that it provides access to customer-dialed local and 1+/0+ long distance destinations. All Z-Tel end-user facilities involve typical analog loops which handle all traffic originating from the end user's residence, rather than the dedicated "high capacity facilities" purported by AT&T. Z-Tel in no manner engages in the types of "revenue sharing" with its end-users as alleged by AT&T.<sup>3</sup> Furthermore, Z-Tel is not engaged in any type of 8YY aggregation as hypothesized by AT&T.

In the *FNPRM*, the Commission properly "questions whether, at bottom, CLEC 8YY traffic is inherently worthy of lower access charges than other types of traffic."<sup>4</sup> As it relates to Z-Tel, AT&T's argument for specialized treatment of 8YY traffic falls squarely on its face in light of Z-Tel's service offerings as described above. AT&T's contention that rate for 8YY access traffic should be lower than the FCC prescribed benchmark for CLEC originating and terminating access service is absurd in regard to CLECs that provide local exchange services to their end users.

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<sup>3</sup> Because it does not measure 8YY originating traffic on an individual end-user basis, Z-Tel cannot definitively state whether individual consumers might be engaging in "sequential dialing" of 8YY calls. If any Z-Tel subscriber is engaging in "sequential dialing" of 8YY calls in the manner suggested by AT&T, it is without Z-Tel's knowledge or support.

<sup>4</sup> *FNPRM*, ¶ 104.

As the Commission found in the *FNPRM*, there is no reason to assume that a switching and transport cost differential exists between 8YY traffic and other access traffic.<sup>5</sup> AT&T's anecdotal assertions of "apparent abuse," are designed not to establish a colorable argument, but rather to play to the emotions of the Commission. From a network standpoint, CLECs provide the identical service – and incur the identical network costs – when providing 8YY switching and transport access services. Accordingly, no reasonable, cost-based justification exists for a Commission mandate for CLECs to charge lower rates for 8YY access services.

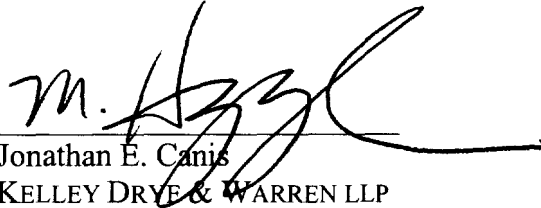
As it relates to Data Base Query Charges, which would be applied to 8YY originations, Z-Tel does not believe that any case has been presented that current charges are not reasonable. It cannot be disputed that CLECs and others also incur 8YY database lookup charges, making the provision of 8YY service actually more expensive in total than originating and terminating switched access. Z-Tel's Toll-Free 8YY Data Base Query charge is currently \$.002531 per query. That rate was established based upon a composite of incumbent local exchange carrier rates. No evidence has been presented by AT&T or any other party that would bring the reasonableness of that rate into question. Until such evidence has been presented, Z-Tel's rate for the 8YY data base query should remain in force.

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<sup>5</sup> *Id.*, 104.

Consistent with the foregoing, the Commission should reject AT&T's proposal, and instead affirm a CLEC 8YY benchmark equal to that prescribed by the Commission in the *CLEC Access Charge Order*, plus a reasonable additive to recover the cost of 8YY database lookups.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "m. Hazzard", is written over a horizontal line.

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